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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,298	02/25/2002	Laurent Nivet	P07520US00/DEJ	8068

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ALEXANDRIA, VA 22314

EXAMINER

EDELL, JOSEPH F

ART UNIT PAPER NUMBER

3636

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/069,298

Applicant(s)

NIVET, LAURENT

Examiner

Joseph F Edell

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because Figure 2 is not properly shown because figure exceeds the margin limits. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 10 is objected to because of the following informalities: "s" (line 6) should read "is". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 5, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 5 recite the limitation "it" in line 5 and line 2, respectively. There is insufficient antecedent basis for this limitation in the claims.

Claim 4 recites the limitation "the speed of movement" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 4, the phrase "the movement travels in both directions are substantially identical" in lines 3-4 is unclear rendering the scope of the claim indefinite.

Claim 6 recites the limitation "its" in lines 3 and 6. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7 and 9, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,651,587 to Kodaverdian.

Kodaverdian discloses a seat that includes all the limitations recited in claims 1-7 and 9, as best understood. Kodaverdian shows a seat having a squab 12 (Fig. 1), an articulating back rest 14 (Fig. 1), an articulating leg rest 16 (Fig. 1), a moveable foot rest 18 (Fig. 1), a means for actuating a first actuator 26 (Fig. 1) in one direction for a first predetermined duration, an automatic means of actuating a second actuator 36 (Fig. 1) for a second predetermined duration in a given direction and then in an opposite direction when the first actuator is actuated; wherein the current position of the second

actuator is measured and stored, and the second actuator is instructed to stop or drive based on a variable characteristic dependent on a predetermined control instruction (see column 5, lines 33-67 and column 6, lines 1-62). The description of the seat inherently discloses the method of managing the kinematics of the seat.

6. Claims 1-11, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,194,853 B1 to Tual et al.

Tual et al. disclose a seat that includes all the limitations recited in claims 1-11, as best understood. Tual et al. show a seat having a movable squab 22 (Fig. 1), an articulating back rest 24 (Fig. 1), an articulating leg rest 26 (Fig. 1), a moveable foot rest 28 (Fig. 1), a first actuator 34,36 (Fig. 1) adapted for conjoint movement of the back rest and of the squab by lowering the squab when the back rest is raised up, and a second actuator 30,32 (Fig. 1) for moving the leg rest with respect to the squab or the foot rest with respect to the leg rest wherein the current position of the second actuator is measured and stored. The first actuator has a means of actuating in one direction for a first predetermined duration, and the second actuator has an automatic means of actuating for a second predetermined duration in a given direction and then in an opposite direction when the first actuator is actuated wherein the second actuator is instructed to stop or drive based on a variable characteristic of force produced current intensity consumed (see column 5, lines 13-37). The description of the seat inherently discloses the method of managing the kinematics of the seat.

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to seats with kinematics management:

U.S. Pat. No. 3,794,381 to Caldemeyer U.S. Pat. No. 5,467,002 to Brooks

PCT Pub. No. 97 42050 to Quesne U.S. Pat. No. 5,755,493 to Kodaverdian


U.S. Pat. No. 5,887,949 to Kodaverian FR Pat. No. 2 799 164 to Martin-Martinod

FR Pat. No. 2 808 175 to Nivet U.S. Pat. No. 6,441,576 B1 to Marin-Martinod et al.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
JE  
February 7, 2003

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600